

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEVELOPERS SURETY AND  
INDEMNITY COMPANY, An Iowa  
Corporation,

Plaintiff,

V.

HAES CONTRACTING, INC., A  
Nebraska Corporation, SCOTT  
HAES, an individual, and MARCIE  
HAES, an individual,

Defendants.

4:14CV3135

# MEMORANDUM AND ORDER

Plaintiff has filed a motion for summary judgment (Filing [36](#)) in which it “is only seeking a determination of liability.” (Filing [37](#), Pls.’ Br. Supp. Mot. Summ. J. at CM/ECF p. 10 n.1.) Defendants have filed a brief in response to Plaintiff’s motion for summary judgment “consent[ing] to a judgment as to liability” and requesting that the court “grant[] the Plaintiff’s Motion for Summary Judgment, but only as to the issue of liability.” (Filing [45](#).)

Accordingly,

IT IS ORDERED:

1. Plaintiff's motion for summary judgment (Filing [36](#)) is granted as to liability;
2. Final judgment shall be entered after resolution of the issue of damages.

DATED this 8<sup>th</sup> day of July, 2015.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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